

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

SHIRLEY CLOWERS	§	
	§	
V.	§	CIVIL ACTION NO. G-10-062
	§	
VALOR HEALTHCARE, INC.	§	

**OPINION AND ORDER**

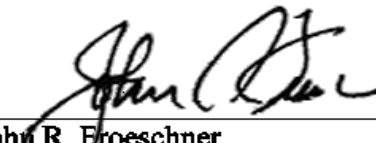
The issue now before the Court is the imposition of attorneys' fees and costs arising from a discovery dispute which was initially addressed informally by this Court in a telephone conference on July 23, 2010, but was not resolved until a Hearing on September 8, 2010, at which this Court granted the Defendant's then recently filed Motion to Compel. It has now been two months since the final Hearing, so the Court assumes the Defendants are finally satisfied with the Plaintiff's discovery responses. Accordingly, the Court feels safe in addressing the Defendant's request for attorneys' fees and costs.

On August 5, 2010, Srinivas Behara, an attorney for Defendant, traveled from Austin, Texas, to Galveston to attend a Hearing on the discovery dispute. Due to the failure of Plaintiff's counsel to appear at the Hearing Behara's trip was a complete waste of time (7.6 hours) and travel expenses (437.9 miles @ \$.50 per mile). Behara has asked for attorneys' fees at the rate of \$444.00 an hour, but the Court is of the opinion that \$250.00 per hour is a reasonable rate. It is, therefore, **ORDERED** that Plaintiff **SHALL** pay to Defendant the sum of **\$2,118.95** as reimbursement for attorneys' fees and costs incurred after Plaintiff's counsel failed to provide sufficient notice to permit Behara to avoid the wasted trip to Galveston on August 5, 2010.

Amy Beckstead, Defendant's counsel of record, has requested attorneys' fees in the amount of \$5,460.00, however, this Court finds her request to be excessive. It is, therefore, further **ORDERED** that Plaintiff **SHALL** pay to Defendant the sum of **\$1,500.00** for attorneys' fees incurred for Beckstead's work related to this discovery dispute.

All sums payable hereunder **SHALL** be paid by Plaintiff to Defendant **within 30 days** of entry of this Order.

**DONE** at Galveston, Texas, this 10th day of November, 2010.

  
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John R. Froeschner  
United States Magistrate Judge